

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FREUDENBERG-NOK GENERAL  
PARTNERSHIP,

Plaintiff,

v.

AUTO JUNTAS, S.A.,

Defendant.

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Case No. 05-70421

Honorable John Corbett O'Meara

**ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR RECONSIDERATION**

This matter came before the court on Plaintiff's September 26, 2005 motion for reconsideration of the court's September 12, 2005 order adopting the report and recommendation of Magistrate Judge Majzoub and entering judgment in favor of Defendant. Defendant filed a response January 17, 2006. Pursuant to Local Rule 7.1(g)(2), no oral argument was heard.

Plaintiff's motion does not seek to reverse the underlying decision of the Magistrate Judge nor this court. Rather, Plaintiff's motion seeks clarification regarding whether the action is stayed pending arbitration, whether the International Chamber of Commerce ("ICC") arbitration panel has the authority to determine arbitrability under its governing rules and governing law, and whether the stay will be lifted if arbitration is unavailable.

Defendant has informed the court that the ICC arbitration panel has already exercised arbitration jurisdiction over Plaintiff's claims at issue and that those claims have been made part of the ongoing arbitration proceeding in Europe. Therefore, the issues presented in Plaintiff's motion for reconsideration are moot.

**ORDER**

It is hereby **ORDERED** that Plaintiff's September 26, 2005 motion for reconsideration is  
**DENIED AS MOOT.**

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: 3/7/06